

REMARKS:

Status of the Claims

Claims 1-21 were originally filed and stand rejected in the April 11, 2008 Office Action. In this Amendment, claims 10 and 17 are canceled. Accordingly, upon entry of this Amendment, claims 1-9, 11-16, and 18-21 will be pending.

Claim Rejections - 35 U.S.C. § 112

1. Claims 9, 13, and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner alleges that it is unclear as what is meant by “substantially” as recited in claim 9 (*See, Office Action, page 2, lines 8-11*).

To advance the prosecution, Applicants amend claim 9 by removing the term “substantially”, without prejudice. Accordingly, this rejection of claim 9 and its dependent claims, claims 13 and 14, is considered to be moot.

2. Claims 18 and 21 also stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner alleges that it is unclear as what is being conveyed by “consistently” and “substantially” contained in claim 18 (*See, Office Action, page 2, lines 12-16*).

To advance the prosecution, Applicants amend claim 18 by removing the terms “consistently” and “substantially”, without prejudice. Accordingly, this rejection of claim 18 and its dependent claim 21 is considered to be moot.

3. Claims 18 and 21 further stand rejected under 35 U.S.C. § 112, first paragraph. Examiner asserts the specification does not reasonably provide enablement for “thermally reversible” (*See, Office Action, page 2, lines 22-23*).

To expedite the prosecution, Applicants amend claim 18 by removing the phrase “thermally reversible”, without prejudice. Accordingly, this rejection of claim 18 and its dependent claim 21 is considered to be moot.

Claim Rejections - 35 U.S.C. § 103

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Connor (US 6,432,891) in view of Triplett (US 2003/0199402). Examiner alleges that O'Connor teaches a method of counteracting a malodor in a solid or liquid, soap or detergent by introducing an effective malodor counteracting amount of a malodor counteracting compound selected from 1-cyclohexyl-ethyl-butyrate, 1-cyclohexyl-ethyl-acetate, 1-cyclohexyl-ethanol, 4-isopropyl-cyclohexyl-propionate, and phenoxyacetic acid 2-hydroxy-ethyl ester (*See*, Office Action, page 3, lines 16-21). Examiner points out the Veilex products used in the Examples taught by O'Connor are the same mixtures of cyclohexyl compounds used in the instant application (*See*, Office Action, page 4, lines 6-8). However, Examiner acknowledges that O'Connor does not teach zinc ricinoleate in the claimed composition (*See*, Office Action, page 4, lines 9-10).

Examiner then cites Triplett which discloses a zinc ricinoleate-containing composition for reducing malodors (*See*, Office Action, page 4, line 11 to page 5, line 12). Examiner, therefore, concludes that it would be obvious at the time of the invention for one of ordinary skill in the art to use a composition containing both the cyclohexane compositions taught by O'Connor and the zinc ricinoleate taught by Triplett to result in the claimed invention with a reasonable expectation of success (*See*, Office Action, page 5, lines 14-17).

Applicants respectfully submit that Triplett was published on October 23, 2003, which was less than one year prior to November 13, 2003, the date on which the claimed invention was filed. Further, the Triplett publication has a filing date of March 4, 2003.

In response to this 35 U.S.C. § 103 rejection, Applicants submit herewith a Declaration under 35 U.S.C. § 1.131 provided by Dr. Richard Boden who is an inventor of the claimed invention, along with Exhibits A, B, and C establishing the conception and reduction to practice of the claimed invention prior to March 4, 2003, the filing date of Triplett.

In view of the enclosed Declaration and Exhibits, Applicants respectfully submit that Triplett is not an appropriate prior art reference. Accordingly, the claimed invention is believed to be novel and patentable over O'Connor. For at least these reasons, Applicants request that the 35 U.S.C. § 103 rejection be withdrawn.

CONCLUSION:

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of rejections, and allowance of all claims is earnestly solicited.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment to the Deposit Account No. 12-1295.

Respectfully submitted,



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